

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Applicant has amended claims 1, 2, 10 and 11, and submits no new matter has been added by these amendments. Consequently, claims 1-18 remain pending in the application. This application has been carefully reviewed in light of the Official Action mailed January 27, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph. Applicant has amended claim 2 to address the Examiner's objection. Applicant respectfully submits that no new matter has been added by this amendment. Applicant therefore respectfully requests that the Examiner withdraw the rejection.

Rejections under 35 U.S.C. § 103

Claims 1-3, 8-12 and 17-18 stand rejected as unpatentable over U.S. Patent No. 5,796,952 ("Davis"). Applicant respectfully traverses this rejection. Applicant has amended claims 1 and 10, and submits no new matter has been added by these amendments.

As amended, claims 1 and 10 recite accessing first data including a first identifier for the user, network addresses accessed by the user, and temporal information related to the user identifier and the network addresses, wherein the first data is determined at a location remote from the user. Thus, a user may "surf" a network on a client computer while a remote location, such a server computer which is responsible for routing user requests, determines information relating to the user such as a user identifier, network addresses and timestamps. This remote location may then store this information in a table to which it has access. Information may be gathered on a user in this manner without any involvement of the client computer. (Paragraphs [0025] – [0027])

In contrast, Davis discloses a system for tracking client interaction and creating client profiles by using a client to download an executable program from a server. This executable program runs on the client and monitors the client to acquire client identifying indicia from the client, such as time, keyboard events, and choices and selection of a user. This information may then be uploaded to a server and stored for automatically serving out files according to a

user's interest. This tracking program is usually embedded in a file which is downloaded from a server to a client, and subsequently executed. (Abstract, Col 4, Lines 25-65)

Because the system of Davis determines its first and second databases by executing a tracking program on a client, as opposed to determining the first data as a location remote from the user as recited in claims 1 and 10, the databases of Davis cannot function as the first data of claims 1 and 10 as asserted by the Examiner. Accordingly, withdrawal of the rejection of independent claims 1 and 10, and their respective dependent claims 2, 3, 8, 9, 11-12, 17 and 18 is respectfully requested.

Claims 4-7 and 13-16 stand rejected as unpatentable over U.S. Patent No. 5,796,952 ("Davis") in view of U.S. Patent No. 6,128,663 ("Thomas"). Applicant respectfully traverses this rejection, and submits that the above arguments applied to the Davis reference with regards to claim 1 and 10 apply equally well to their respective dependent claims 4-7 and 13-16. Consequently, Applicant respectfully requests the withdrawal of this rejection as well.

#### CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 1-18. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

**Gray Cary Ware & Freidenrich LLP**  
Attorneys for Applicant

Ari G. Akmal  
Reg. No. 51,388

Dated: April 21, 2004  
1221 South MoPac Expressway, Suite 400  
Austin, TX 78746-6875  
Tel. (512) 457-7216  
Fax. (512) 457-7001